IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 849 (SS) OF 2005

Anand Singh, S/o Sri Dhan Singh,
Constable 135, Presently posted at
Police Chowki-Transport Nagar, Police Station-Haldwani,
District – Nainital. .....Petitioner.

Versus

1. Police Maha Nirikshak Karmik Kumaon Zone, Nainital.
2. Senior Superintendent of Police, Nainital.

.....Respondents.

Sri Sudhir Singh, Advocate for the petitioner.
Learned Standing Counsel for the respondents.

Dated: 21.02.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the impugned order dated 31.05.2005 (Annexure No. 1 to the writ petition) passed by the respondent no. 2 and has further prayed for a writ of mandamus directing the respondents not to evict the petitioner from the Family Quarter allotted at Bhimtal.

2. Brief facts giving rise to the present writ petition are that the petitioner is presently working as Constable at Police Chowki-Transport Nagar, Police Station-Haldwani, District Nainital. On 18.03.2001, the petitioner was transferred from Police Station Bhimtal to Police Station-Haldwani.

3. Earlier the petitioner was posted at Police Station Bhimtal where he was allotted a residential house in which he was residing along with his wife and three children.

4. Petitioner has submitted that his children are studying in Class 7, 5 and 1 respectively in a school at Bhimtal. After his

transfer from Bhimtal to Ramgarh, the family of the petitioner is residing in the family quarter allotted to him because of continuance of study of the children of the petitioner and urgent need of the family.

5. After the transfer of the petitioner, he was directed to vacate the accommodation as will appear form the order dated 31.05.2005, whereby a direction was issued for recovery of a sum of Rs. 51,902/- from the pay of the petitioner.

6. The petitioner has submitted that he has made representation before the respondents for permitting him to continue to occupy the quarter allotted at Bhimtal and he will not seek any family quarter at Haldwani. Further he has also submitted that he has not been allotted any quarter at the transferred place. He has also disputed about the amount of penal rent to be realized form the petitioner.

7. In view of the above, writ petition is disposed of with a direction that the representation filed by the petitioner with regard to the realization of the amount as well as for vacating the accommodation by the petitioner shall be disposed of after hearing the petitioner within a period of six weeks. However, the interim order dated 30.06.2005 shall continue till 30th April, 2006 subject to the payment of rent as determined by the respondents.

8. Subject to the aforesaid observations, the writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

21.02.2006
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